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# Report of the United Nations High Commissioner for Human Rights

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# Report of the United Nations High Commissioner for Human Rights

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# Chapter I
## Introduction

1. The present report outlines major developments related to the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) from July 2012 to July 2013 and highlights challenges in promoting and protecting all human rights for all everywhere.

2. The present report is submitted as we celebrate the twentieth anniversary of the establishment of the mandate of the United Nations High Commissioner for Human Rights but continue to witness horrific conflicts in various parts of the world.

3. Those conflicts have again raised fundamental questions concerning the role and responsibility of the international community, the United Nations and OHCHR. A conference entitled "Vienna+20: advancing the protection of human rights", held on the occasion of the twentieth anniversary of the World Conference on Human Rights, was an opportunity to review progress and identify gaps in implementing the Vienna Declaration and Programme of Action.

4. In November 2012, the report of the Internal Review Panel on United Nations Action in Sri Lanka was issued. It highlighted the systemic failure in the United Nations coordinated response to serious violations of human rights and humanitarian law. The Secretary-General requested an action plan in follow-up to the report to improve the Organization's responsiveness to crises. This process demonstrates the Organization's determination to ensure that it upholds its core principles under all circumstances. However, as demonstrated by the case of the Syrian Arab Republic, this must be complemented by Member States' acceptance, individually and collectively, of their responsibility to protect the rights of individuals.

5. In this complex global environment, requests for OHCHR engagement and assistance have continued to grow. As at July 2013, OHCHR was supporting 57 human rights presences: 13 country and stand-alone offices (with a new office in Yemen), 12 regional offices and centres, 15 human rights components of United Nations peacekeeping and special political missions and 17 human rights advisers posted with resident coordinators and United Nations country teams. In January 2013, the United Nations Development Group human rights mainstreaming mechanism agreed to the deployment of 13 additional human rights advisers during the period 2013-2014. Discussions are ongoing with the Government of Myanmar to establish a country office.

6. Since August 2012, I have conducted missions to the following countries and areas: Algeria, Angola, Austria, Belgium, Cameroon, Colombia, Indonesia, Netherlands, Serbia, Spain and Kosovo. The Deputy High Commissioner at the time, Kang Kyung-wha, who was succeeded by Flavia Pansieri in April 2013, visited Jordan, and the Assistant Secretary-General for Human Rights conducted missions to the Central African Republic, Côte d'Ivoire, Ethiopia (to attend the African Union Summit), Guinea-Bissau, Haiti, Kyrgyzstan, Mali, Tajikistan, Turkmenistan and Uzbekistan.

7. I welcome the continued attention to human rights in various spheres and call upon Member States to renew commitments made under the Vienna Declaration and Programme of Action and to provide political and financial support for the effective promotion and protection of human rights worldwide. I remain concerned that the provision of required resources by the General Assembly is neither commensurate to the tasks of OHCHR nor provided in a timely fashion.

# Chapter II
# Thematic priorities of the Office of the United Nations High Commissioner for Human Rights

## A. Strengthening of human rights mechanisms and the progressive development of international human rights law

### 1. Strengthening human rights mechanisms

8. Throughout its work, including in the field, OHCHR applies a holistic approach to supporting the implementation of recommendations of all human rights mechanisms.

#### (a) Human Rights Council

9. During the reporting period, the Human Rights Council continued to take action on urgent situations. The mandate of the independent international commission of inquiry on the Syrian Arab Republic was extended, and on 29 May 2013 an urgent debate was convened on the deteriorating situation of human rights in the Syrian Arab Republic and the recent killings in Al-Qusayr. The Council, in its resolution 23/1, requested the commission of inquiry to inquire urgently into these events and to report thereon at its twenty-fourth session.

10. In March 2013, the Human Rights Council decided to establish a commission of inquiry to investigate the systematic, widespread and grave human rights violations committed in the Democratic People's Republic of Korea. The commission began its work in July 2013. I urge the Democratic People's Republic of Korea to cooperate with the commission.

11. The Human Rights Council appointed an Independent Expert on the situation of human rights in Mali and discussed the first reports of the Special Rapporteurs on the situation of human rights in Belarus and in Eritrea (A/HRC/23/52 and A/HRC/23/53, respectively) and the international fact-finding mission's report on the impact of Israeli settlements (A/HRC/22/63). The Council called for attention to and strengthened support for the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea, Haiti, Libya, Myanmar, Somalia, South Sudan, Sri Lanka, the Sudan, Yemen and the State of Palestine. Initiatives on country situations are increasingly cross-regional, and the Council continues to develop tools with which to consider these matters.

12. The Human Rights Council has continued to discuss thematic issues, such as corruption, attacks on and discrimination against persons with albinism, the environment, the right to peace and the safety of journalists. The post-2015 development agenda has been discussed in panels.

13. OHCHR has continued to provide briefings and engage in other outreach activities, including an interregional pilot workshop to facilitate the participation of least developed countries and small island developing States in the work of the Human Rights Council held in Mauritius in July 2013.

### (b) Universal periodic review

14. During the reporting period, the second cycle of the universal periodic review continued with the active participation of 42 States scheduled for review. The number of recommendations received by States under review has remained high, with an average of 120 per country.

15. OHCHR submitted 166 reports relating to 41 countries and facilitated the participation of States in the process through regular briefings prior to each session of the Working Group on the Universal Periodic Review. The 20,000 recommendations from the first universal periodic review cycle have been indexed in the Universal Human Rights Index, a public database that includes the recommendations of all the United Nations human rights mechanisms.

16. OHCHR has improved its methodology for the provision of advice to States to assist them in preparing for and undergoing their review. It also strengthened its capacity to support States' efforts to implement universal periodic review recommendations. In collaboration with actors at the regional and international levels, as well as multilateral organizations, OHCHR organized or contributed to regional workshops in Europe, Central and South-East Asia, the Arab region and the Caribbean, bringing together Governments, parliamentarians, national human rights institutions, civil society actors and other stakeholders, providing them with information, guidance and tools on the universal periodic review and fostering dialogue and cooperation among the different actors. In all countries where it has a presence, OHCHR has strengthened its support to the universal periodic review as a national process of dialogue and cooperation.

17. In 2012, OHCHR approved 13 of the 20 additional requests for funding under the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review. A total of 19 requests were funded from the Voluntary Trust Fund for Participation in the Universal Periodic Review, thereby allowing delegations to participate in their review in the Working Group or the adoption of their report at the Council plenary.

### (c) Special procedures

18. As at July 2013, there were 49 special procedures, including 13 country mandates, with the establishment of a new mandate on Mali, which is fully supported by OHCHR. In 2012, special procedures mandate holders carried out 80 visits to 55 countries and territories. I am pleased that 94 States have extended standing invitations to special procedures, although, regrettably, not all have honoured them.

19. During the reporting period, special procedures issued 614 communications to States and other concerned entities on alleged violations of human rights, which are reflected in communications reports published prior to each session of the Council together with responses from the States and others. I am concerned at the low rate of response to such communications.

20. I reiterate my call to all Member States to cooperate with special procedures and allow visits, which are necessary for them to gain first-hand and objective information on the human rights situation and engage in constructive dialogue with the authorities. I am concerned by attacks on the personal integrity of mandate holders.

21. OHCHR continues to encourage and support greater coordination and harmonization of working methods among special procedures mandates, including through their Coordinating Committee. The special procedures have collectively contributed to the United Nations Conference on Sustainable Development and the post-2015 development agenda processes, the high-level meeting of the General Assembly on the rule of law and the high-level panel discussion of the Human Rights Council on human rights mainstreaming, and the commemoration of the twentieth anniversary of the adoption of the Vienna Declaration and Programme of Action. On each of those occasions, they have drawn attention to international human rights standards and principles and the need to strengthen the accountability of States in fulfilling their duties and obligations.

### (d) Treaty bodies

22. Following the launch by the General Assembly, pursuant to its resolution 66/254, of the intergovernmental process to enhance the effective functioning of the treaty body system, OHCHR has provided support to the co-facilitators of the process (Iceland and Indonesia). In addition to facilitating informal consultations with all treaty bodies, civil society and the Human Rights Council, on 16 April 2013 OHCHR organized a workshop on developing the capacity of States to report to treaty bodies and follow up on concluding observations. Draft elements for a resolution on treaty body strengthening were presented to Member States by the co-facilitators.

23. In order to foster synergy between the treaty bodies and the intergovernmental process, the annual meeting of the Chairpersons of treaty bodies was held in New York in May 2013. The Chairpersons exchanged views with the co-facilitators, Member States and civil society organizations and adopted recommendations relating to their work.

24. As at 4 July 2013, there were 2,166 ratifications of and accessions to human rights treaties and protocols. The Committee on Enforced Disappearances examined its first report (A/67/56) in April 2012. As from May 2013, when the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights entered into force, the Committee on Economic, Social and Cultural Rights is competent to receive and consider complaints from individuals and States and to undertake inquiries.

25. With OHCHR support, the treaty bodies considered 128 reports of States parties during the reporting period and, for the first time, held a dialogue with a State party by videoconference (Niue and the Committee on the Rights of the Child, January 2013).

26. During the reporting period, the Subcommittee on Prevention of Torture carried out five field visits in four regions to address systemic problems leading to torture and ill-treatment and provided advice on the establishment of national preventive mechanisms to be established by States parties.

## 2. Progressive development of international human rights law

27. The six treaty bodies that examined individual complaints adopted 101 decisions between August 2012 and July 2013, thus applying the treaty norms in concrete cases and providing effective guidance to States on the interpretation of

standards. The treaty bodies also contributed to clarifying treaty obligations by adopting general comments on a wide variety of rights, including the economic consequences of marriage, family relations and their dissolution (Convention on the Elimination of All Forms of Discrimination against Women, art. 16); the right to redress for victims of torture (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 14); the rights of children to have their best interests taken as a primary consideration (Convention on the Rights of the Child, art. 3) and to the highest attainable standard of health (ibid., art. 24); State obligations regarding the impact of the business sector on children's rights (general comment No. 16 of the Committee on the Rights of the Child); the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (Convention on the Rights of the Child, art. 31); and the rights of migrant workers in an irregular situation and members of their families (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families). The Human Rights Committee, in concluding observations, made clear with respect to article 25 of the International Covenant on Civil and Political Rights that States should not discriminate against persons with mental, intellectual or psychosocial disabilities by denying them the right to vote on bases that are disproportionate or that have no reasonable and objective relationship to their ability to vote (CCPR/C/BLZ/CO/1).

28. The treaty bodies have continued to hold thematic discussions with stakeholders on such topics as the right to liberty and security of the person and freedom from arbitrary arrest or detention (Human Rights Committee), women and access to justice (Committee on the Elimination of Discrimination against Women), the rights of children in the context of international migration (Committee on the Rights of the Child), the rights of migrant workers in an irregular situation and members of their families (Committee on the Protection of the Rights of All Migrant Workers and Members of their Families) and the situation of women and girls with disabilities, in particular the intersectionality between gender and disability, violence against women and girls with disabilities, and sexual and reproductive rights of women with disabilities (Committee on the Rights of Persons with Disabilities).

29. The Special Rapporteur on extreme poverty and human rights engaged in consultations and workshops organized by OHCHR, which culminated in the adoption by consensus by the Human Rights Council of the guiding principles on extreme poverty and human rights in September 2012. The Working Group on Arbitrary Detention adopted deliberation No. 9 concerning the definition and scope of arbitrary deprivation of liberty, stating that the prohibition of all forms of arbitrary deprivation of liberty is a part of international customary law and constitutes a peremptory or *jus cogens* norm. The Working Group on the Use of Mercenaries engaged with an open-ended intergovernmental working group to consider the possibility of elaborating an international framework on the regulation, monitoring and oversight of the activities of private military and security companies, pursuant to Human Rights Council resolution 15/26, while the Working Group on Enforced or Involuntary Disappearances participated in an event held in October 2012 on the theme "Exploring best practices and challenges to protect women from enforced disappearance and its impact", which informed the drafting of the general comment on women affected by enforced disappearances (A/HRC/WGEID/98/2).

30. In collaboration with the Working Group on the issue of human rights and transnational corporations and other business enterprises, OHCHR convened the

first annual forum on business and human rights in Geneva in December 2012. OHCHR supported the promotion of the Guiding Principles on Business and Human Rights within the United Nations system, following recommendations made by the Secretary-General (see A/HRC/21/21 and Corr.1). A high-level panel was organized at the twenty-third session of the Human Rights Council on the role of United Nations entities in integrating the Guiding Principles into the post-2015 development framework.

## B. Countering discrimination, in particular racial discrimination, discrimination on the grounds of sex or religion and discrimination against others who are marginalized

### 1. Racial discrimination

31. On the occasion of the commemoration of the International Day for the Elimination of Racial Discrimination, OHCHR organized a high-level event that focused on racism and sport and brought together professional footballers, football administrators, football governing bodies and civil society groups. The meeting was part of OHCHR engagement with the International Federation of Association Football. The Committee on the Elimination of Racial Discrimination held an open discussion on racist hate speech in August 2012.

32. The annual fellowship programme for people of African descent continued in 2013 with the induction of seven fellows from Australia, Costa Rica, France, Panama, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America.

33. The tenth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action concluded with the adoption of conclusions and recommendations on the roles of politicians and political parties in combating racism and regional and international cooperation in its implementation. Acknowledging the importance of the adoption and launch of the International Decade for People of African Descent, the Secretary-General will present a report at the sixty-eighth session of the General Assembly on practical steps to be taken to make the Decade effective.

34. OHCHR provided assistance to the Governments of Benin, Mauritania and Nigeria in developing national action plans against racial discrimination, xenophobia and related intolerance. It also organized training courses for judges, prosecutors and policymakers in Belarus, the Republic of Moldova and Ukraine on the implementation of international standards, following the adoption of anti-discrimination legislation in those countries.

35. In Mauritania, OHCHR implemented a project to rehabilitate and retrain former slaves to facilitate their integration in society. In Nigeria, the OHCHR Regional Office for West Africa supported national stakeholders in including measures to address discrimination in the revised national human rights action plan.

### 2. Indigenous and minority issues

36. OHCHR coordinated the new United Nations network on racial discrimination and protection of minorities, which led to the endorsement in April 2013 of a

Secretary-General's guidance note to bolster United Nations work in this area. Events organized on religious minorities and other key issues to mark the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities culminated in the fifth session of the Forum on Minority Issues, held in November 2012.

37. OHCHR strengthened activities to advance the rights of indigenous peoples at the country level, including through the United Nations Indigenous Peoples' Partnership initiative, which supported legislative and other initiatives in six pilot countries, building on the recommendations of the Special Rapporteur on the rights of indigenous peoples and other human rights mechanisms. In order to advance indigenous peoples' access to justice, OHCHR supported strategic litigation, organized a Human Rights Council panel and contributed to a study by the Expert Mechanism on the Rights of Indigenous Peoples.

38. In several countries in South America, notably in Chile, OHCHR provided advice in processes related to the adoption of new legislation concerning the rights of indigenous peoples. In Ecuador, it published a training-of-trainers guide on the collective rights of indigenous peoples.

### 3. Gender equality and women's rights

39. In September 2012, I presented technical guidance on the application of a human rights-based approach to the implementation of policies and programmes for the reduction of preventable maternal mortality and morbidity to the Human Rights Council and worked in partnership with United Nations entities to pilot this guidance. Recommendations on linkages and synergies between the mechanisms of the Council and other intergovernmental processes on the issue of violence against women and girls were submitted to the Council at its twenty-third session (A/HRC/23/25). OHCHR will develop a follow-up strategy.

40. In May 2013, OHCHR signed a memorandum of understanding with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Programme (UNDP) for a joint programme to strengthen women's access to justice. In July 2013, OHCHR signed a letter of agreement with UN-Women on a renewed partnership, in particular in the field.

41. OHCHR, in partnership with UN-Women, worked on the elaboration of effective strategies to ensure respect for women's rights to land and other productive resources. This included a follow-up to a joint expert group meeting held in June 2012 that helped with the drafting of a handbook addressing, among others, security of tenure, inheritance and marital property, legal pluralism and land law and policy.

42. Supported by OHCHR, the annual discussion on integrating the human rights of women throughout the United Nations system held in September 2012 examined how the Human Rights Council had integrated a gender perspective in promoting and protecting economic, social and cultural rights. Conclusions therefrom informed the Secretary-General's report to the General Assembly on the realization in all countries of economic, social and cultural rights with a special focus on women (A/HRC/22/24 and Corr.1). In June 2013, a full-day discussion on women's rights that focused on efforts to eliminate violence against women was held, during which progress made since the adoption of the Vienna Declaration and Programme of Action was reviewed and priorities for the future were identified.

43. OHCHR contributed expertise on women's human rights to discussions relating to the post-2015 development agenda and the review of the International Conference on Population and Development beyond 2014. OHCHR co-hosted with the Government of the Netherlands and the United Nations Population Fund an international conference on human rights in the context of the review of the International Conference on Population and Development beyond 2014, which focused on sexual and reproductive health and rights and its intersection with gender equality, as well as broader population and development issues.

44. In El Salvador, OHCHR supported the elaboration of a national protocol for the investigation of gender-related killings (particularly "femicide"). A regional tool on this issue for Latin America is currently being developed with UN-Women. Five grants were provided to local organizations in the Democratic Republic of the Congo for the implementation of pilot initiatives to provide assistance to victims of sexual violence. OHCHR also held workshops on a rights-based approach to addressing human trafficking, including that of women and girls, in Belarus and Ukraine.

45. On the advice of OHCHR, the Legislative Assembly of the Plurinational State of Bolivia adopted a law on harassment and political violence against women and a law against the trafficking of persons. In Papua New Guinea, sustained advocacy by OHCHR and special procedures contributed to the repeal of the Sorcery Act and renewed commitments by the Government to address violence against women.

46. I was pleased to make a public submission to the special committee to strengthen the legal framework on violence against women in India, and I welcome its far-reaching recommendations.

47. During the period under review, the Committee on the Elimination of Discrimination against Women adopted concluding observations with regard to 20 States parties and six decisions on individual cases containing specific recommendations to enhance the protection of women's rights and promote gender equality in the States parties concerned. OHCHR assisted, along with other special procedures mechanisms, the Working Group on the issue of discrimination against women in law and in practice in examining and reporting on women's right to participation in public and political life.

### 4. Discrimination on the grounds of sexual orientation and identity

48. In September 2012, OHCHR released a booklet entitled "Born free and equal" aimed at assisting States in identifying and meeting their legal obligations to protect the human rights of lesbian, gay, bisexual and transgender people. In July 2013, OHCHR launched a public information campaign intended to raise awareness of homophobic and transphobic violence and discrimination and dispel the stigmatization of lesbian, gay, bisexual and transgender people. Special procedures continued to address communications to States on this issue.

### 5. Discrimination against persons with disabilities

49. OHCHR has continued to co-chair the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities with the Department of Economic and Social Affairs of the Secretariat. OHCHR is a member of the United Nations Partnership to Promote the Rights of Persons with Disabilities and made

efforts to ensure that persons with disabilities have access to the meetings that it services, including by using international sign language during meetings of the Human Right Council and of the Committee on the Rights of Persons with Disabilities and by improving the physical accessibility of its buildings. Work is under way to promote the inclusion of the rights of persons with disabilities in the post-2015 development framework, especially through the High-level Meeting of the General Assembly on the Realization of the Millennium Development Goals and Other Internationally Agreed Development Goals for Persons with Disabilities, to be held on 23 September 2013.

50. In response to increasing demand to encourage the ratification, implementation and monitoring of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, OHCHR launched a training package on the Convention and the Optional Protocol, organized a training-of-trainers course in the field and established a pool of regional trainers.

51. In December 2012, OHCHR presented a study on the work and employment of persons with disabilities (A/HRC/22/25 and Corr.1) during the fifth annual interactive debate of the Human Rights Council on the rights of persons with disabilities.

52. The European Expert Group on Transition from Institutional to Community-based Care, co-chaired by the OHCHR Regional Office for Europe, contributed to a human rights-based approach in European Union policies to services for persons with disabilities.

### 6. Discrimination against older persons

53. Rapidly changing demographics are presenting new human rights challenges. Older persons represent a large and growing constituency often subjected to discrimination, exclusion, marginalization and abuse and yet for whom no dedicated international protection regime exists to date.

54. In 2013, OHCHR, together with the Department of Economic and Social Affairs, supported the Open-ended Working Group on Ageing, established by the General Assembly in its resolution 65/182, and submitted to it an analytical paper on the international human rights of older persons. OHCHR carried out a public consultation on the rights of older persons, pursuant to Human Rights Council resolution 21/23; held a number of public events together with civil society partners; and, jointly with the European Commission, organized a symposium on the abuse and neglect of older persons.

### 7. Discrimination on the basis of health status

55. OHCHR support for legal reform led to the lifting of HIV travel restrictions and the mandatory testing of foreigners in some countries. It raised human rights concerns during the International Conference on AIDS; the high-level policy consultation on the science and law concerning criminalization of HIV non-disclosure, exposure and transmission; and the high-level meeting of GlobalPOWER Women Network Africa on accelerating action for women's empowerment and gender equality in the area of HIV and sexual and reproductive health and rights. OHCHR partnered with the Global Fund to Fight AIDS,

Tuberculosis and Malaria to integrate human rights criteria into the Global Fund's risk assessment process and grant cycle.

### 8. Discrimination on the basis of other status

56. I welcome the adoption in June by the Human Rights Council of resolution 23/13 on attacks and discrimination against persons with albinism. OHCHR is providing support to national efforts to end caste-based discrimination, including by encouraging United Nations entities to focus on this issue in their programming.

## C. Pursuing economic, social and cultural rights and combating inequalities and poverty, including in the context of economic, food and climate crises

### 1. Advancing the right to development and integrating human rights into development goals, plans and programmes

57. The Vienna Declaration and Programme of Action reaffirmed the right to development as a universal and inalienable human right. During the period under review, OHCHR worked to strengthen advocacy, integration and implementation of this right across the United Nations system and beyond. OHCHR supported the Working Group on the Right to Development in a series of consultations and in its review of the proposed right to development criteria and subcriteria. In order to help advance a broader understanding of the right to development, OHCHR completed work on a landmark publication on the subject to be launched in the last quarter of 2013. In addition, OHCHR has stepped up its outreach to civil society partners in an effort to strengthen the global constituency for the right to development.

58. During the period under review, OHCHR worked to promote the full integration of all human rights, including the right to development, in the post-2015 development agenda through research, publications, advocacy, inter-agency engagement, collaboration with a range of post-2015 mechanisms and consultations with Member States. In an open letter to all Member States, I called for a new universal, balanced and human rights-based development framework in the post-2015 agenda. OHCHR worked actively through the United Nations System Task Team on the Post-2015 United Nations Development Agenda, co-led the United Nations-supported global thematic consultation on governance and actively participated in several others, produced background papers and "think pieces" and engaged directly with the High-level Panel of Eminent Persons on the Post-2015 Development Agenda. As a result of this engagement, the report of the United Nations Development Group entitled "The global conversation begins: emerging views for a new development agenda" highlighted human rights as a universal, central and non-negotiable part of future development goals.

59. The report of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda contained a strong human rights focus, and the final report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda called for a post-2015 agenda based on human rights, equality and sustainability. Later in 2013, the Open Working Group on Sustainable Development Goals will dedicate a session to human rights, including the right to development, at which it has invited me to deliver a keynote presentation.

60. OHCHR continued to chair the United Nations Development Group human rights mainstreaming mechanism, assisting the United Nations country teams in supporting Member States, at their request, with human rights strengthening. OHCHR supported Member States through human rights inputs in the lead-up to the adoption of the quadrennial comprehensive policy review process, which in 2013 includes important normative and human rights enhancements. In addition, OHCHR worked throughout the year to integrate human rights in the work of the United Nations System Chief Executives Board for Coordination and its High-level Committee on Programmes, with regular human rights items now added to the agendas of both bodies.

61. In December 2012, OHCHR launched *Human Rights Indicators: A Guide to Measurement and Implementation* to assist States in mainstreaming human rights into national plans and programmes, as well as in the post-2015 agenda.

### 2. Economic, social and cultural rights

62. OHCHR continued to support the realization of economic, social and cultural rights through advice to Governments, parliaments, the United Nations system and civil society. It also continued to provide technical assistance to Governments, civil society and other national stakeholders, at their request, aimed at integrating human rights standards and principles in national development policies, poverty reduction strategies and budget processes, for example.

63. To those ends, the active advocacy of OHCHR contributed to the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in May 2013. In Guatemala, following an OHCHR assessment of challenges faced by the General Labour Inspectorate in the protection of the rights of agricultural workers, the Ministry of Labour strengthened the capacity of that institution. OHCHR entered into a partnership with UN-Water to increase rights-based cooperation in the area of water and sanitation. OHCHR also provided technical assistance to the United Nations Human Settlements Programme in human rights mainstreaming across its programmes. During the reporting period, OHCHR also produced a number of substantive thematic reports exploring the economic, social and cultural rights of specific groups, including persons with disabilities, children and women.

### 3. Protecting human rights in the context of the economic, food and climate crises

64. OHCHR is an active member of the High-level Task Force on the Global Food Security Crisis, chaired by the Secretary-General. In 2012 and 2013, the Task Force conducted a review of its work since 2008 and focused on the Secretary-General's Zero Hunger Challenge. In October 2012, the Special Rapporteurs on the right to food and on extreme poverty called for the creation of a global fund for social protection in order to enable least developed countries to implement basic social protection systems. The fund could also guard against the risks posed by major food crises.

65. OHCHR has been researching the impact of the economic crisis and austerity measures on the enjoyment of human rights by everyone and has published various reports and studies while also convening a number of expert events.

66. Several special procedures have also followed the impact of the global financial crisis on the realization of economic, social and cultural rights. For example, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, visited Greece in April 2013; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, presented a first report on security of tenure (A/HRC/22/46); the Independent Expert on human rights and the environment clarified the human rights obligations linked to the enjoyment of a safe, clean, healthy and sustainable environment; and the Special Rapporteur on the right to food dedicated his most recent report to women's rights and the right to food (A/HRC/22/50 and Corr.1).

## D. Human rights in the context of migration

67. OHCHR continued to promote, including through its field presences, the integration of human rights norms and standards into all aspects of migration policy at the national, regional and international levels.

68. OHCHR ensured that a human rights focus was included in background documentation and discussions at the sixth session of the Global Forum on Migration and Development, held in Mauritius in November 2012. OHCHR organized a side event on the theme "Public perceptions, migration and human rights" and produced a brochure on the topic.

69. At the Secretary-General's request, OHCHR led the preparation in 2013, in consultation with the Global Migration Group and the United Nations system, of a report on migration and human rights in preparation for the High-level Dialogue on International Migration and Development, to be held in October 2013. OHCHR convened an expert meeting on migration, human rights and governance in June 2013 in which important elements of a forward-looking global agenda on migration and human rights, including the need for more systematic interaction between relevant stakeholders, were identified.

70. OHCHR remains involved in the Global Migration Group, including in the context of the internal review process. Along with UN-Women and the United Nations Children's Fund, OHCHR is Co-Chair of the recently established Working Group on Migration, Human Rights and Gender, and it leads a number of relevant activities within the Group's multi-year workplan.

71. OHCHR advocated for the inclusion of the human rights of migrants within the post-2015 development agenda, including in the context of the thematic consultations on population dynamics and on inequalities and technical briefs to the Open Working Group on Sustainable Development Goals. OHCHR input highlighted the fact that migrants are not commodities and that development interventions should not push migrants to migrate as "agents of development" without adequate protection of their human rights. OHCHR circulated a background note on migrants, migration, human rights and the post-2015 United Nations development agenda to the first thematic meeting of the Global Forum on Migration and Development in May 2013.

## E. Combating impunity and strengthening accountability, the rule of law and democratic society

### 1. Strengthening democratic societies

72. Pursuant to Human Rights Council resolution 19/36, the first adopted by the Council on human rights, democracy and the rule of law, I submitted to the Council at its twenty-second session a study on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, as well as lessons learned in the engagement of States with the international community to support such processes (A/HRC/22/29). OHCHR organized a panel discussion at the twenty-third session of the Council on the same topic, during which the panellists proposed the elaboration of a United Nations declaration on democracy; setting democracy as a development goal in the post-2015 development agenda; and integrating respect for democracy and the rule of law as assessment benchmarks in the universal periodic review process.

73. OHCHR also continued to provide assistance to States and civil society on constitution-making processes directly or through the United Nations country team, States or civil society organizations, including in Fiji, Tunisia and Viet Nam.

74. During the reporting period, OHCHR provided technical assistance and advisory support to 74 States for the establishment and strengthening of national human rights institutions, in compliance with the Paris Principles (see A/HRC/23/27 and A/HRC/23/28).

### 2. Combating impunity

75. Commissions of inquiry established by the Human Rights Council make critical contributions by providing independent, factual accounts of events to inform international action and to establish accountability where serious human rights violations occur. OHCHR continued to support international commissions of inquiry and fact-finding missions established by the Council to investigate allegations of serious violations of human rights and international humanitarian law in the Democratic People's Republic of Korea and in the Syrian Arab Republic and to the fact-finding mission on Israeli settlements. OHCHR also provided them with advice on investigation methodology and tools for recording, analysing and archiving information.

76. OHCHR continued to support a comprehensive approach to addressing past violations of human rights through transitional justice processes and mechanisms, including national consultations, truth-seeking, prosecutions, institutional reform and reparations programmes in about 25 countries, including by supporting the drafting of laws in Libya, Tunisia and Yemen. It continued to support an inclusive and participatory approach: in Guinea, it conducted capacity-building activities for the Provisional National Reconciliation Commission and provided assistance with the planning of national consultations, and in Côte d'Ivoire, the United Nations Operation in Côte d'Ivoire and OHCHR assisted the Dialogue, Truth and Reconciliation Commission in organizing national consultations.

77. In October 2012, OHCHR released the Nepal Conflict Report, which documents and analyses violations of human rights and international humanitarian law that occurred during the 1996-2006 conflict. It includes a searchable database of

some 30,000 documents. Accountability for serious crimes and past human rights violations was enhanced in Timor-Leste through the completion of the investigation by the Office of the Prosecutor of approximately 80 per cent of the incidents identified by the Independent Special Commission of Inquiry. The United Nations Integrated Mission in Timor-Leste provided assistance by funding two international prosecutors. In the Democratic Republic of the Congo, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) contributed to increasing the knowledge of victims' associations on effective redress in three provinces.

78. In November 2012, OHCHR, together with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the UNDP Regional Centre in Cairo co-organized a consultation on transitional justice in the Middle East and North Africa region. In April 2013, OHCHR co-organized with France and Switzerland the third regional conference on transitional justice in francophone Africa, in which national stakeholders from Burundi, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo and Guinea participated.

79. OHCHR supported the strengthening of national capacities to protect victims and witnesses of international crimes and gross violations of human rights. In May 2013, it organized an expert workshop to contribute to the finalization of a new rule of law tool on victim and witness protection.

80. In Yemen, at the Government's request, OHCHR provided comments on the draft law on transitional justice and the draft law for the establishment of a commission of inquiry into the events of 2011.

81. In September 2012, the human rights component of the United Nations Support Mission in Libya released a policy paper urging the adoption of a comprehensive strategy on transitional justice. Furthermore, it worked closely with the relevant ministry and victim groups to lay the groundwork for a new legal framework and sound forensic basis for the search for the missing and disappeared.

82. Since 2012, 1,449 victims of sexual violence in the Democratic Republic of the Congo have obtained legal assistance through projects implemented by the United Nations Joint Human Rights Office, leading to 235 judgments. Judicial authorities continued to benefit from the support of the Office in the conduct of investigations and the organization of mobile hearings, especially in the east.

83. In Colombia, OHCHR advised authorities to address cases of threats and attacks on persons involved in land restitution processes provided for in the Victims and Land Restitution Law. It also fostered comprehensive reparation and return plans within the framework of transitional justice committees for the communities of Tulapas and Los Cedros (Antioquia).

### 3. Strengthening the rule of law

84. In December 2012, the Secretary-General issued a policy on human rights screening of United Nations personnel to ensure that all personnel serving with the United Nations meet the highest standards of integrity, including respect for human rights. OHCHR is contributing to its implementation.

85. OHCHR continued to support the implementation of the human rights due diligence policy for United Nations support to non-United Nations security forces, including by sharing lessons learned and good practices. Several United Nations entities and field presences have made significant progress in implementing the policy, which was identified as essential to the planning of military operations in northern Mali. Member States receiving United Nations support have also used the policy to improve the behaviour of their own security forces.

86. General Assembly resolution 67/176, in which the Assembly called for a global moratorium on the use of the death penalty, received wide support. On 28 June 2013, OHCHR held a high-level event on the death penalty. Opened by the Secretary-General, the event, on the theme "Moving away from the death penalty: wrongful convictions", examined the increasing number of wrongful convictions in death penalty cases, with a particular focus on the failure of judicial review to capture error in death penalty cases globally. The Secretary-General urged Member States to move towards the abolition of the death penalty and called upon countries where it is still practised to increase transparency and public debate on the application of the death penalty.

87. OHCHR chairs the Counter-Terrorism Implementation Task Force Working Group on Protecting Human Rights while Countering Terrorism and continued to assist Member States in the implementation of the human rights and rule of law aspects of the United Nations Global Counter-Terrorism Strategy. Through this leadership role, OHCHR has started implementing a major long-term project on training and capacity-building of law enforcement officials on human rights, the rule of law and the prevention of terrorism.

88. OHCHR assisted States in their efforts to adopt and implement counter-terrorism strategies compliant with their international legal obligations and international human rights standards. In my latest report to the Human Rights Council on the protection of human rights and fundamental freedoms while countering terrorism (A/HRC/22/26), I made practical recommendations to Member States on issues of due process and the right to a fair trial, building on the outcomes of three regional expert meetings organized by the Working Group on Protecting Human Rights while Countering Terrorism. OHCHR also organized, with the Government of Germany, an event entitled "Targeted sanctions, human rights and due process: the future of the 1267/1989 Al-Qaida sanctions regime" on 4 December 2012 in New York, during which the recommendations of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism related to the amendment of the mandate of the Office of the Ombudsperson of the Security Council Committee established pursuant to resolution 1267 (1999) were discussed.

89. OHCHR has continued to work with the United Nations Office on Drugs and Crime, most notably by providing input from a human rights perspective to the intergovernmental process for the revision of the Standard Minimum Rules for the Treatment of Prisoners. It participated in expert meetings on a new handbook on legal aid, following the adoption of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems by the General Assembly in December 2012, and on the use of force by law enforcement personnel.

90. As convened by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, OHCHR

facilitated a workshop for a high-level Iraqi delegation on 25 February 2013 on conflict resolution and peacebuilding in the context of terrorist violence in Iraq.

91. OHCHR also works to integrate human rights in United Nations policies and approaches to security sector reform. In this regard, a new set of Integrated Technical Guidance Notes on Security Sector Reform was launched in 2013.

92. In Cambodia, OHCHR led advocacy activities to transfer knowledge and practice from the Extraordinary Chambers in the Courts of Cambodia to the national justice system.

93. The OHCHR Regional Office for Central Asia has led a number of activities and provided advice on the reform of legislation, policies and practice to strengthen discrimination on the basis of sex. In Kyrgyzstan, OHCHR has continued to provide support through trial monitoring to the Government, State institutions and civil society to assist with measures to address justice and accountability.

94. In April 2013, the Superior Court of Justice of Mexico City and OHCHR issued the first volume of publications on fair trial indicators. At the end of 2012, nine tribunals in Mexico had elaborated fair trial indicators, approved by the Supreme Court of Justice and the Federal Judicial Council. In Paraguay, the Supreme Court of Justice also adopted fair trial indicators to monitor and promote access to justice based on OHCHR advice.

## F. Protecting human rights in situations of armed conflict, violence and insecurity

### 1. Armed conflict and violence

95. The Assistant Secretary-General for Human Rights and I briefed the Security Council on several occasions on human rights protection in armed conflict and specific country situations. This critical interaction reflects the growing recognition of the centrality of human rights to the peace and security agenda.

96. The effective integration of human rights in United Nations peace operations remains a priority for OHCHR, with focused efforts being undertaken to ensure that missions have the necessary mandates and capacity to fully engage in human rights work. Since June 2012, OHCHR has participated in mandate reviews of missions in the Democratic Republic of the Congo, Mali and Somalia and mission reviews in the Central African Republic, Côte d'Ivoire and Guinea-Bissau. OHCHR worked closely with the Department of Peacekeeping Operations, the Department of Political Affairs and the Department of Field Support of the Secretariat, contributing to the conceptualization, planning and staffing of the human rights component of the United Nations operations in Mali and Somalia.

97. OHCHR provided regular inputs to briefings of the Expert Group on the Protection of Civilians. OHCHR continued to work with the Department of Peacekeeping Operations, the Department of Political Affairs and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, notably regarding the deployment of women protection advisers to the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo and South Sudan.

98. As emphasized in the report of the Internal Review Panel on United Nations Action in Sri Lanka, timely and credible information on human rights violations can be a critical early warning tool that can contribute to preventing and mitigating crises. OHCHR has thus been actively engaged with the United Nations Operations and Crisis Centre since its inception in January 2013 and is involved in the Inter-Agency Standing Committee Sub-Working Group on Preparedness and Contingency Planning, particularly on early warning and early action issues.

99. From August 2012 to January 2013, an OHCHR human rights officer supported the United Nations country team in Mali, integrating human rights into the response to the deteriorating situation. In November 2012 and March 2013, OHCHR dispatched teams to Mali and neighbouring countries to collect information on the human rights situation, including in the north.

100. Other significant deployments during the reporting period include the deployment in March 2013 of a team to Lebanon to collect and analyse information on violations committed in the Syrian Arab Republic, including through interviews with victims and witnesses in neighbouring States; a mission to Kenya to monitor the human rights situation in the context of the general elections; and a fact-finding mission to the Central African Republic in June 2013 to assess the human rights situation in the country. From February to July 2013, an OHCHR team monitored and advocated on human rights issues related to inter-communal violence in Rakhine State, Myanmar, and assisted the humanitarian country team.

101. As part of its responsibilities to develop human rights policy and training for peacekeeping operations, OHCHR has continued to collaborate with the Department of Peacekeeping Operations to develop guidance and training in the area of protection of civilians, including guidelines for peacekeeping military personnel and training materials supporting the implementation of mandates relating to the protection of civilians. With the Department, OHCHR has undertaken a review of the joint protection mechanisms and other measures established by MONUSCO, with the aim of learning and sharing lessons with other missions and refining the ability to make timely preventive and responsive action to threats of physical violence against civilians possible. At the mission level, OHCHR has worked closely with human rights components to develop mission strategies relating to the protection of civilians and advised on the design of mission guidance concerning other aspects of human rights mandate implementation, such as the human rights due diligence policy.

102. OHCHR also continued to stress the importance of addressing human rights issues in disputed territories, regardless of their political recognition or legal status. I welcomed the February 2013 report of Thomas Hammarberg on the human rights situation in the Transnistrian region.

### 2. Engagement of the Office of the United Nations High Commissioner for Human Rights in humanitarian action

103. Following the issuance of the report of the Internal Review Panel on United Nations Action in Sri Lanka, I initiated a discussion before the Inter-Agency Standing Committee on the protection of human rights in humanitarian crises. OHCHR has continued as a key protection actor in humanitarian crises through the provision of guidance to humanitarian coordinators and engagement with humanitarian country teams and protection clusters. In 2012, OHCHR took on the

task of leading the protection cluster in Mauritania, in addition to lead roles in Haiti and the State of Palestine and the Asia-Pacific region. Five OHCHR regional offices continued to contribute to the work of regional humanitarian mechanisms and/or protection clusters in countries under their purview.

104. OHCHR deployed rapid-response teams to strengthen the capacity of humanitarian country teams to protect human rights in countries where OHCHR does not have a presence, including Myanmar (Rakhine State).

# Chapter III
## Conclusions

105. **The commemoration in 2013 of the twentieth year of the establishment of the High Commissioner's mandate has been an opportunity to revitalize OHCHR efforts and ambitions to do more and better to promote and protect the human rights of everyone everywhere. It has been acknowledged that, since its establishment, OHCHR has filled a major vacuum in the United Nations system. Its work, both in the field and at headquarters, has been widely appreciated and recognized, as shown by the increasing number of requests for assistance.**

106. **In order to meet the high expectations set for the Office, it is vital that the recognition of human rights, as one of the three United Nations pillars alongside development and peace and security, become a reality through the allocation of appropriate resources and the continued and consistent mainstreaming of human rights into all peace, humanitarian and development activities of the whole United Nations system.**

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